

### **REMARKS**

In this Amendment, Applicant has cancelled Claim 1 – 10 without prejudice or disclaimer, and amended Claims 11 – 14 to overcome the rejection and specify different embodiments of the present invention. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

#### **REJECTIONS UNDER 35 U.S.C. § 102:**

Claims 11 – 14 have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Halliyal et al. (US 6,319,775), hereinafter Halliyal. Claims 11 – 13 have been rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Chen et al. (US 2003/0232507), hereinafter Chen.

Applicant traverses the rejection and respectfully submits that the presently claimed invention is not anticipated by the cited references. More specifically, Claims 11 – 14 have been amended to exclude the element of Nitrogen.

It is respectfully submitted that Halliyal is related a process for fabricating an ONO floating-gate electrode in a two-bit EEPROM device including the formation of a nitrogenated top oxide layer. Chen discloses a method for manufacturing an integrated circuit device including layer of silicon nitride. By excluding nitrogen from the embodiments of the present inventions as defined, the present invention is different from the disclosure in Halliyal or Chen.

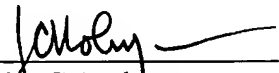
Therefore, the newly presented claims are not anticipated by the Halliyal or Chen reference and the rejection under 35 U.S.C. § 102 has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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